THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11685 of 1997

Dated:23.3.2007

Between

1.A.Nagaswamy and another.

.....Petitioners

and

1.The AP State Road Transport Corporation rep., by the Managing Director, RTC Cross Roads, Hyderabad and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.11685 of 1997

ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the respondents in not absorbing/appointing the petitioners as Cleaners in Kadapa Zone on par with the similarly placed ITI Apprentices with effect from March 1992, as arbitrary and illegal.

It is the case of the petitioners that after passing of ITI, during 1991-1992, they were appointed as Apprentices in the Motor Mechanic and Diesel Mechanic Departments in the respondent-Corporation for one year. Therefore, they are entitled for absorption on preferential basis. As per the circular issued by the respondent-Corporation, 70% of the

vacancies are earmarked for direct recruitment by ITI candidates. Subsequently, it was amended to 65% vide circular dated 6.9.88. Out of the said vacancies, 50% of the posts shall be filled by the ITI candidates who had completed apprenticeship in the respondent-Corporation. It is their further case that the respondent-Corporation considered the cases of those who are Juniors to them, whereas their cases were neglected.

The respondents filed a detailed counter denying the allegations made by the petitioners. It is admitted that the petitioners being ITI holders have undergone apprentice training in Anantapur and Rajampet Depots respectively in the Trade of Motor Mechanic during 1991-1992. As per Circular No.112/87 dated 5.10.1987, 50% of the posts in respect of Cleaners are earmarked for ITI candidates having undergone apprentice training in APSRTC. It is denied that 70% of vacancies are reserved for ITI candidates. The 1st

petitioner has no manner of right whatsoever to be considered for appointment in Kadapa Region as he underwent training in Anantapur Region. It is stated that insofar as the selections and appointments to the post of Cleaners in APSRTC is concerned, they are being made as per the circular No.PD-27/97 dated 17.4.1997, which is in accordance with the guidelines issued by the Supreme Court in **Uttar Pradesh State Road Transport Corporation and another v., U.P. Parivahan Nizam Shishukhs Berozgar Sangh and others,**[1] strictly maintaining the year-wise seniority of the candidates. The question of considering and appointing the petitioners as Cleaners without following the procedure does not arise. Their cases will be considered in their respective Regions subject to availability of vacancies and sanction by the competent authority.

In view of the above, the petitioners cannot seek appointment against 70% of the vacancies and as per the Circular No.112/87

dated 5.10.1987, they are entitled for consideration only against 50% of the vacancies as a preferential right. Therefore, the circular No.PD-27/97 dated 17.4.1997 issued by the respondent-Corporation cannot be said to be either arbitrary or illegal since the same has been issued as per the guidelines laid down by the Supreme Court in the Judgment cited supra. The petitioners have to wait for their turn for being appointed as Cleaners on preferential basis. The writ petition is devoid of merits and is liable to be dismissed.

Writ petition is accordingly dismissed. However, any appointments given in favour of the petitioners, during pendency of the writ petition, shall not be disturbed.

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23.03.2007

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[1] 1995 (2) SCC page 1